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OFFICE OF PETITIONS

GIRMA WOLDE MICHAEL  
MEDTRONIC INC  
7000 CENTRAL AVENUE NE  
MINNEAPOLIS, MN 55432

In re Application of  
David D. Verness  
Application No. 09/616,592  
Filed: July 14, 2000  
Attorney Docket No. P-4824.06 CON

ON PETITION

The above-identified application has been referred to the Office of Petitions for consideration of a communication filed February 11, 2009, requesting consideration of a Petition to Withdraw Holding of Abandonment, filed September 30, 2002<sup>1</sup>. The petition is being treated under the provisions of 37 CFR 1.181 (no fee).

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Michael C. Soldner appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Soldner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to Mr. Soldner, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

This application was held abandoned for a failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed April 22, 2002, which set a period for reply of three (3) months. Accordingly, a reply was due on or before July 22, 2002.

Petitioner states that a timely reply was mailed via certificate of mailing on July 22, 2002. To support this assertion, petitioner submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on August 13, 2002 of, *inter alia*, Ten (10) Sheets of Formal Drawings. A copy of the previously submitted reply, bearing a certificate of mailing dated July 22, 2002, accompanies the petition.

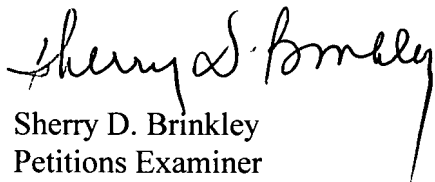
<sup>1</sup> The original petition is found among the papers found in the application file.

A review of the written record confirms receipt of the submission of formal drawings filed on August 13, 2002, using a Certificate of Mailing under 37 CFR 1.8 dated July 22, 2002, as they are present in the application file. Accordingly, the drawings are considered timely received in the USPTO and no abandonment existed.

The holding of abandonment for failure to timely file a response to the Notice of April 22, 2002 is withdrawn and the application is restored to pending status. The Notice of Abandonment mailed September 9, 2002 is hereby vacated.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: MICHAEL C. SOLDNER  
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